

PUBLIC NOTICE: 06-40

DATED: MAY 31, 2006

**NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND
OPPORTUNITY TO COMMENT**

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

**ACTION: NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT
AND OPPORTUNITY TO COMMENT**

**SUMMARY: EPA IS PROVIDING NOTICE OF PROPOSED ADMINISTRATIVE
PENALTY ASSESSMENT FOR ALLEGED VIOLATIONS OF THE CLEAN WATER ACT.
EPA IS ALSO PROVIDING NOTICE OF OPPORTUNITY TO COMMENT ON THESE
PROPOSED PENALTY ASSESSMENT.**

**UNDER 33 U.S.C. §1319(G), EPA IS AUTHORIZED TO ISSUE ORDERS
ASSESSING CIVIL PENALTIES FOR VARIOUS VIOLATIONS OF THE ACT. EPA MAY
ISSUE SUCH ORDERS AFTER THE COMMENCEMENT OF A CLASS I OR CLASS II
PENALTY PROCEEDING. EPA PROVIDES PUBLIC NOTICE OF THESE PROPOSED
ASSESSMENT PURSUANT TO 33 U.S.C. §1319(G)(4)(A).**

CLASS I PROCEEDINGS ARE CONDUCTED UNDER EPA'S "CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES AND THE REVOCATION/TERMINATION OR SUSPENSION OF PERMITS", 40 CODE OF FEDERAL REGULATIONS PART 22. THE PROCEDURES THROUGH WHICH THE PUBLIC MAY SUBMIT WRITTEN COMMENT ON A PROPOSED CLASS I COMPLAINT OR PARTICIPATES IN A CLASS I PROCEEDING, AND THE PROCEDURES BY WHICH A RESPONDENT MAY REQUEST A HEARING, ARE SET FORTH IN THE CONSOLIDATED RULES. THE DEADLINE FOR SUBMITTING PUBLIC COMMENT ON A PROPOSED CLASS I ORDER IS THIRTY (30) DAYS AFTER THE DATE OF PUBLICATION OF THIS PUBLIC NOTICE.

ON THE DATE IDENTIFIED BELOW, EPA COMMENCED THE FOLLOWING CLASS I PROCEEDING FOR THESE ASSESSMENTS OF PENALTIES: IN THE MATTER OF DAILY CONSTRUCTION CORPORATION, P.O. BOX 12186, SAN JUAN, PUERTO RICO 00914, DOCKET NO. CWA-02-2006-3319; FILED ON MAY 30, 2006 WITH REGIONAL HEARING CLERK KAREN MAPLES, U.S. EPA, REGION 2, 290 BROADWAY, 16 FLOOR, NEW YORK, NEW YORK 10007 (212) 637-3247; PROPOSED PENALTY: \$12,800 FOR FAILURE TO APPLY AND OBTAIN A NPDES PERMIT COVERING STORM WATER DISCHARGES FROM CONSTRUCTION SITES AS REQUIRED BY THE STORM WATER REGULATIONS.

FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF EPA'S CONSOLIDATED RULES, REVIEW THESE COMPLAINT OR OTHER DOCUMENTS FILED IN THIS PROCEEDING, COMMENT UPON THE PROPOSED

ASSESSMENT, OR OTHERWISE PARTICIPATE IN ANY OF THESE PROCEEDINGS, SHOULD CONTACT THE REGIONAL HEARING CLERK IDENTIFIED ABOVE. UNLESS OTHERWISE NOTED, THE ADMINISTRATIVE RECORD FOR THESE PROCEEDINGS ARE LOCATED IN THE EPA REGIONAL OFFICE IDENTIFIED ABOVE, AND THE FILES WILL BE OPEN FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS. ALL INFORMATION SUBMITTED BY THE RESPONDENT IS AVAILABLE AS PART OF THE ADMINISTRATIVE RECORD, SUBJECT TO PROVISIONS OF LAW RESTRICTING PUBLIC DISCLOSURE OF CONFIDENTIAL INFORMATION.

EPA HAS PROVIDED EACH RESPONDENT WITH AN EXPEDITED SETTLEMENT OFFER IN AN EFFORT TO PROMPTLY SETTLE THIS MATTER. IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL TAKE FINAL ACTION IN THIS PROCEEDING PRIOR TO THIRTY (30) DAYS AFTER ISSUANCE OF THIS NOTICE.

**IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL ISSUE
NO FINAL ORDER ASSESSING A PENALTY IN THESE PROCEEDINGS PRIOR TO
THIRTY (30) DAYS FROM THE DATE SPECIFIED ABOVE.**

DORE LAPOSTA, DIRECTOR

DIVISION OF ENFORCEMENT AND

COMPLIANCE ASSISTANCE